

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte N. JOHAN KNALL and MARK JOHNSON

Application No. 10/689,187

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on October 17, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

On October 29, 2007, Appellants filed an Appeal Brief. On page 6, under the heading "Grounds of Rejection to be Reviewed on Appeal" the Appellants stated:

Independent claim 1 and its dependent 2 stand rejected under U.S.C. § 103(a) as being unpatentable over Zhang, US Patent No. 5,835,396 (hereinafter Zhang '396), in view of Zhang US Patent No. 6,111,302 (hereinafter Zhang ')

In response, an Examiner's Answer was mailed on March 29, 2007. While the Answer notes that "The appellant's statement of the grounds of rejection to be

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reviewed on appeal is correct.” [page 2], the Examiner’s Answer, the following

§ 103 rejections were made:

Claims 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,835,396 to Zhang (hereinafter Zhang ‘396) in view of U.S. Patent No. 6,111, 302 to Zhang et al. (hereinafter ‘302).


A clarification of claims 1 and 2 to be applied under the ground of rejection is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) hold the Appeal Brief filed October 17, 2007 defective for reasons set forth above; and,
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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By: 
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

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PJN/sld

VIERRA MAGEN/SANDISK CORPORATION
575 MARKET STREET
SUITE 2500
SAN FRANCISCO, CA 94105